

REMARKS

Claims 1 and 4-38 are pending in the present application. In the above amendments, claims 1, 4, 5, 7, 8, 10, 20, 22, 24, 25, 31, 33 and 36-38 have been amended and claims 2 and 3 have been canceled without prejudice.

Claims 37 and 38 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter due to the language contained in paragraph 88 of the specification. In this amendment, paragraph 88 has been deleted in total, obviating the rejection. No new matter has been added.

Claims 1, 2, 12, 13 and 36 were rejected under 35 USC § 102(e) as being anticipated by Baker, et al. (US 6,556,638). Baker, et al., discloses a radio communication system having a primary station and plurality of secondary stations, power of uplink and downlink channels between the primary station and a secondary station is controlled in a closed loop manner by each station transmitting power control commands to the other station. The Examiner in the office action specifically indicated that the prior art failed to teach the claimed method of claim 2 wherein the step of generating comprises generating m "zero" value power control bits and n "one" value power control bits for each batch formed with a subset of the second frames, with m and n differing by at most 1, if the two bit running history equals a selected one of "01" and "10", m and n being integers. Further, the Examiner indicated that claims 3-11 and 14-35 would be allowable if the claims were rewritten in independent form and include the limitations of the base claim and any intervening claims. To obviate the rejection and also to comply with the suggested amendments, independent claim 1 was amended to include the features of claims 2 and 3, now canceled. Thus, claim 1 is now allowable. In order to be consistent with the amendments to independent claim 1, dependent claims 4, 5, 8, and 10 were also amended. Claims 12 and 13 are dependent claims, therefore with the amendments to independent claim 1, these claims are also allowable. Claim 36 is an apparatus claim which compliments in structure the features of independent method claim 1. Thus, to obviate the rejections under this section, similar

amendments were made to claim 36. The amendments to claim 36 are fully supported in the specification. With these amendments, claim 36 is now allowable.

Claims 37 and 38 were rejected under 35 USC § 103(a) as being unpatentable over Baker, et al. (US 6,556,838). Baker, et al, was discussed in the previous section and said discussion is incorporated again for this rejection. Again, the feature that was deemed allowable by the Examiner and set forth above, has been included in the amendments to independent claims 37 and 38. The features contained in the amendments to the claims are fully supported by the specification. Therefore, with the amendments, claims 37 and 38 are allowable.

The allowance of claims 14-35 is noted with appreciation.

Please note that amendments to claims 7, 20, 22, 24, 31 and 33 were made to delete an errant period and claim 25 was amended to correct a misspelled word.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: 
Rich A. Bachand, Reg. No. 25,107
(858) 845-8503

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502